

ENTERED

January 24, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**JEROME FISHER PLEASANT,
(TDCJ # 02035248)

Petitioner,

vs.

BOBBY LUMPKIN,

Respondent.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-24-4484

MEMORANDUM OPINION AND ORDER

Petitioner Jerome Fisher Pleasant, (TDCJ # 02035248), is an inmate at the Jester III Unit of the Texas Department of Criminal Justice–Correctional Institutions Division. In November 2024, he filed a petition for writ of mandamus asking the court to rule on his petition for writ of habeas corpus that was pending in Case Number H-18-2133. (Docket Entry No. 1). Pleasant did not pay the applicable filing fee, and he did not file a motion for leave to proceed without prepaying the filing fee. On November 19, 2024, the court ordered Pleasant to either pay the filing fee or file a motion to proceed without prepaying the filing fee within 30 days of the court’s order. (Docket Entry No. 4).

As of the date of this order, Pleasant has not responded to this court’s order, and his time to respond under the court’s order has now expired. Pleasant’s failure to respond forces the court to conclude that he lacks due diligence. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may dismiss an action on its own for failure to prosecute or to comply with any court order).

The court notes that a ruling was issued in Case Number H-18-2133 on December 5, 2024. But if Pleasant wishes to proceed with this mandamus action, he may seek relief from this order

under Federal Rule of Civil Procedure 60(b) if he can show good cause for failing to comply with the court's November 19 order. Any motion under Rule 60(b) must be accompanied by either the filing fee of \$405.00 or a properly supported motion to proceed without prepaying the filing fee, including a certified copy of his inmate trust fund account statement.

Pleasant's petition, (Docket Entry No. 1), is dismissed without prejudice for want of prosecution. All pending motions are denied as moot.

SIGNED on January 24, 2025, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive.

Lee H. Rosenthal
Senior United States District Judge